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# Death sentence for traitors, spies supported by Justice Department

By W. Dale Nelson  
Associated Press

WASHINGTON — The Justice Department said yesterday that it believed in the constitutionality of proposed legislation permitting traitors and spies to be put to death whether or not their crime resulted in loss of life.

Mary C. Lawton, deputy assistant attorney general in the office of legal counsel, said that the Supreme Court would be likely to uphold such a law, even though it has ruled that the death penalty is excessive for the rape of a woman whose life is not taken.

"Treason is, of course, the ultimate offense against the nation," Miss Lawton told the Senate Judiciary

Committee.

The committee opened hearings yesterday on a bill that would reinstate capital punishment for treason, espionage and 11 other crimes, each of which involves the taking of life. The Supreme Court has ruled that the death penalty is a constitutional punishment for murder.

Miss Lawton said it was less certain that the court would uphold the death penalty for spying, especially in peacetime, but said that the department was "inclined to believe" it would.

The measure was introduced a year ago by Sen. John B. McClellan (D., Ark.) who has since died.

Sen. Orrin G. Hatch (R., Utah), one of 19 senators who cosponsored

the bill with McClellan, presided at yesterday's hearing and said there was "a lot of support within the Senate" for the legislation.

In espionage and treason cases, the bill would limit the death penalty to second offenders who knew that their actions would endanger lives and their nation.

In espionage, it would be further limited to those who sought to injure the United States by supplying a foreign government with information on such sensitive subjects as nuclear weapons, war plans and spacecraft.

Treason was subject to the death penalty from 1790 until 1972, when the Supreme Court struck down the capital punishment laws then in effect.

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